

Application No.: 10/004,732
Amendment Dated: March 15, 2004
Reply to Office Action of: January 16, 2004

REMARKS

Upon entry of this Amendment, claims 1-20 and 33-36 will be pending in this application. By this Amendment, claims 21 -32 have been cancelled.

Election/Restrictions

Applicants acknowledge that the restriction requirement has been made final. As a result, patentably distinct claims 21-32 have been cancelled.

Rejection under 35 U.S.C. §102

Claims 1, 3-8, 11, 13-18, 20, 33, and 35 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kroll et al., US Patent No. 5,257,634. Applicants traverse the rejection.

Kroll et al. do not disclose, *inter alia*, a tine element array extending through a segment of a lead proximal to an electrode array or a coil electrode as required by claims 1, 3-8, 11, 13-18, 20, 33, and 35. In Kroll et al., the "tines" are conductive and in contact with a conductive body portion of the lead. The "tines" are a part of the electrode structure in Kroll et al. In contrast, claims 1, 3-8, 11, 13-18, 20, 33, and 35 of the present application require that a tine element array be in a position on the lead proximal to an electrode array or coil electrode. As Kroll et al. do not disclose each element of claims 1, 3-8, 11, 13-18, 20, 33, and 35 of the present application, Applicants respectfully request that the rejection be withdrawn.

Rejections under 35 U.S.C. §103

Claims 2 and 12 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kroll et al., US Patent No. 5,257,634. Claims 9 and 19 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kroll et al., US Patent No. 5,257,634 in view of Bush et al., US Patent No. 5,282,845. Claims 34 and 36 have been rejected under 35 U.S.C. §103(a) as allegedly being obvious over Kroll et al., US Patent No. 5,257,634 in view of Borkan et al., US Patent No. 6,510,347. Applicant traverses each of the rejections.

Upon reading of each or all of the cited references, one of skill in the art would not arrive at the present invention. As stated above, the primary reference, Kroll et al., does not disclose a

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tine element array extending through a segment of a lead proximal to an electrode array or a coil electrode. Bush et al. and Borkan et al. do not overcome this deficiency. As the cited references, alone or in combination, do not teach or suggest such a feature as required by claims 2, 9, 12, 19, 34 and 36, withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments, it is believed that the application is now in condition for allowance and notice of same is respectfully requested.

Respectfully submitted,

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Keith M. Campbell
Keith M. Campbell
Registration No. 46,597
MEDTRONIC, INC.
710 Medtronic Parkway NE, M.S.: LC340
Minneapolis, Minnesota 55432-5604
Telephone: (763) 505-0405
Facsimile: (763) 505-0411
CUSTOMER NO.: 27581